

### **REMARKS**

In the Office Action mailed 05 June 2008, the Examiner reviewed claims 1-122. Claims 1-83 and 87-122 are withdrawn from consideration. The Examiner has rejected claims 84-86 under 35 U.S.C. § 102(b).

#### **Information Disclosure Statements**

Due to a problem at the Patent Office Electronic Data Center, information disclosure statements previously electronically filed on 3 August 2007, 30 October 2007 and 31 October 2007 failed to upload into the Image File Wrapper. These information disclosure statements have now been uploaded.

#### **Rejection of Claims 84-86 under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 84-86 under 35 U.S.C. § 102(b) as anticipated by Parodi (US 6,206,868).

#### **The Priority Date for Parodi Re: Claims 84-86**

The Parodi reference claims to be a continuation in part of a PCT application filed on 12 March 1999 and a continuation in part of US patent application number 09/078,263 filed on 13 May 1998, now US patent number 6,413,235 (sometimes referred to as the 235 patent). A review of the 235 patent shows nothing similar to the annular balloon structure shown in Parodi. Accordingly, the effective filing date of Parodi with respect to claims 84-86 is not 13 May 1998, but is at the earliest 12 March 1999.

#### **Support of Present Claims**

The Examiner has taken the position that claims 84-86 are not fully supported by any of the priority applications and therefore do not get the benefit of any of their filing dates. Applicant disagrees.

1. Provisional application number 60/065,118 was filed on 12 November 1997, prior to the 13 May 1998 filing date of the Parodi reference. This provisional application states in part: "Fig. 1 is an illustration of the device using an inflatable balloon (Fig. 1 shows the balloon in its deployed or inflated condition). ... Fig 1 also shows a balloon being used on the distal end of

the sheath, however in all cases this flared mechanism may be of any type and may not be required at all." Figure 1 is duplicated below and shows a balloon at the distal end of the sheath.

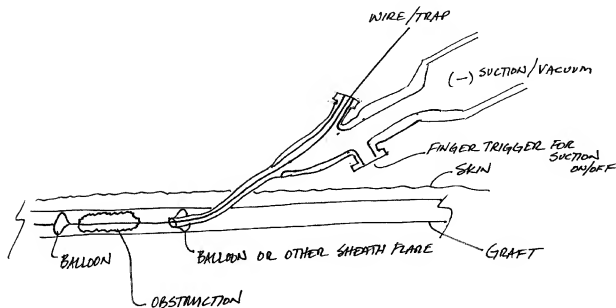


FIG-1  
0005118-111247

2. Applicant's second priority application, that is US patent application number 09/189,574 (sometimes referred to as applicant's 574 application), now US patent number 6,238,412, was filed on 11 November 1998. This is well before the 12 March 1999 filing date of the PCT application and the June 14, 1999 filing date of Parodi. Figures 5-8 of applicant's 574 application show structure that fully support claims 84-86.

#### Claims 84-86 Are Allowable over the Cited Art

As discussed above, claims 84-86 obtain the benefit of at least to the filing date of the 574 application, which is 11 November 1998. The 235 patent does not show any of the type of the annular balloon structure shown in the Parodi reference so that Parodi does not get the

benefit of the filing date of the 574 application. Therefore, Parodi is not an effective reference against claims 84-86.

Accordingly, withdrawal of the rejection of claims 84-86 is respectfully requested.

**CONCLUSION**

It is respectfully submitted that this application is now in condition for allowance, and such action is requested.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (GTEC 1002-1).

Respectfully submitted,

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